SECOND REPORT
STANDING COMMITTEE
ON
COMMUNICATIONS
(1993-94)

(TENTH LOK SABHA)

THE INDIAN TELEGRAPH (AMENDMENT) BILL, 1993

Presented to Lok Sabha on 27 August, 1993
Laid in Rajya Sabha on 27 August, 1993

LOK SABHA SECRETARIAT
NEW DELHI

August, 1993/Bhadra, 1915 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE ON COMMUNICATIONS (1993-94)

CHAIRPERSON

Kumari Vimla Verma

MEMBERS

Lok Sabha

2. Shri R. Jeevarathinam
3. Shri Shravan Kumar Patel
4. Shri Lacta Umbrey
5. Shri Surajbhanu Solanki
6. Shri N. Dennis
7. Shri Jagmeet Singh Brar
8. Shri Pawan Kumar Bansal
9. Shri Kodikkunnil Suresh
10. Shri B. Devarajan
11. Shri Era Anbarasu
12. Dr. B.G. Jawali
13. Shri Somjibhai Damor
14. Shri Mohan Lal Jhikram
15. Shri Mahesh Kumar Kanodia
16. Smt. Dipika H. Topiwala
17. Dr. Sakshiji Maharaj Swami
18. Shri Lalit Oraon
19. Shri Anna Joshi
20. Shri Sharad Yadav
21. Shri Ram Pujan Patel
22. Shri Shivsharan Verma
23. Shri Rupchand Pal
24. Shri Satyagopal Misra
25. Shri A. Asokaraj
26. Shri G.M.C. Balayogi
27. Shri Raj Kishore Mahto
28. Shri Sanat Kumar Mandal
29. Shri Sultan Salahuddin Owaisi
30. Shri Chandrajeet Yadav

Rajya Sabha

31. Dr. Z.A. Ahmad
32. Shri Prakash Yashwant Ambedkar
33. Shri M.A. Baby
34. Smt. Kailashpati
35. Shri Virendra Kataria

36. Shri Mohammed Afzal *alias* Meem Afzal
37. Smt. Jayanthi Natarajan
38. Shri G. Prathapa Reddy
39. Smt. Sushma Swaraj
40. Shri Vizol
41. Shri Brahmadeo Anand Paswan

SECRETARIAT

Shri G.L. Batra — *Additional Secretary*
Shri K.M. Mittal — *Deputy Secretary*

INTRODUCTION

I, the Chairperson of the Standing Committee on Communications (1993-94) to which the Bill further to amend the Indian Telegraph Act, 1885 (Amendment of Section 3 and insertion of new section 27A) was referred by the Speaker under Rule 331 E(b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination, having been authorised to submit the Report on their behalf, present this Report.

2. The Bill was introduced in Lok Sabha on 10th August, 1993 and published in the Gazette of India, Extraordinary, Part-II, Section 2, dated 10th August, 1993. The Committee held three sittings to consider the Bill.

3. The first sitting of the Committee was held on 19th August, 1993. The Committee sought clarifications from the representatives of the Department of Telecommunications on the various provisions in the Bill.

4. At their sitting held on 23rd August, 1993, the Committee considered the Bill clause-by-clause.

5. The Committee considered and adopted the Report on the Bill as slightly amended at their sitting held on 25th August, 1993.

NEW DELHI;
August 25, 1993

Bhadra 3, 1915(S)

KUMARI VIMLA VERMA,
Chairperson,
Standing Committee on Communications.

REPORT

The Committee note that the Indian Telegraph (Amendment) Bill, 1993 has been brought forward to further amend the Indian Telegraph Act, 1885, which regulates the functioning of the telecommunication service in the country, to enable the telegraph authority to deal effectively with the cases of fraudulent use of telegraph by unauthorised diversion by prescribing deterrent penalties for those involved in such frauds.

2. Clause 2 of the Bill seeks to insert a new clause (8) in section 3 of the principal Act which defines the expression "unauthorised diversion" comprehensively taking into account all possible modes of tampering with telegraph and telegraph lines. The Committee are broadly in agreement with the definition of the term.

3. In Clause 3 of the Bill, it has been proposed to provide penalties for unauthorised diversion and for related acts like abetment of unauthorised diversion and tampering with telegraph lines. It also proposes to make the derivation of benefits from such unauthorised diversion or tampering with telegraph lines punishable. The Committee feel that more deterrent punishment should have been provided for such offences as a mere fine of ten thousand rupees is not commensurate with illegal benefit that may be derived from such acts. The Committee, therefore, recommend that sub-sections (1), (2) and (3) of the new sub-section 27A proposed to be inserted by Clause 3 may be amended as under:—

> "(1) Whoever makes any unauthorised diversion or tampers with any telegraph or telegraph line shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to fifty thousand rupees or with both.
>
> (2) Whoever benefits from any unauthorised diversion or tampering with any telegraph or telegraph line shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to fifty thousand rupees or with both.
>
> (3) Whoever abets or induces the making of any unauthorised diversion or tampering with any telegraph line shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to fifty thousand rupees or with both."

4. As regards sub-section (4) of new section 27A the Committee feel that the offences under sub-sections (1), (2) and (3) should be made congnizable as otherwise the whole purpose of the Bill will be defeated since unauthorised diversion or tampering of telegraph or telegraph lines is invariably done with the connivance of concerned employees of telegraph

department and it will not be an easy task to obtain previous sanction in writing from their officers to file a complaint before the court by any affected subscriber.

5. The Committee also feel that compounding of an offence under sub-section (2) may not be desirable when there is rampant unauthorised diversion and tampering with telegraph or telegraph lines in the country. The Committee, therefore, recommend deletion of sub-section (5) of new section 27A.

NEW DELHI;
August 25, 1993
Bhadra 3, 1915 (Saka)

KUMARI VIMLA VERMA,
Chairperson,
Standing Committee on Communications.

MINUTES OF THE FOURTEENTH SITTING OF THE COMMITTEE ON COMMUNICATIONS (1993-94)

The Committee met on Thursday, the 19th August, 1993 from 1500 hrs. to 1745 hrs. in Room No. 50, Parliament House, New Delhi.

PRESENT

Kumari Vimla Verma — *Chairperson*

MEMBERS

Lok Sabha

2. Shri R. Jeevarathinam
3. Shri Shravan Kumar Patel
4. Shri Laeta Umbrey
5. Shri Surajbhanu Solanki
6. Shri Pawan Kumar Bansal
7. Shri Mohan Lal Jhikram
8. Shri Mahesh Kumar Kanodia
9. Shri Ram Pujan Patel
10. Shri Rupchand Pal
11. Shri G.M.C. Balayogi

SECRETARIAT

Shri K.M. Mittal — *Deputy Secretary*

2. The Chairperson welcomed the representatives of Department of Telecommunications and the Ministry of Information and Broadcasting. Thereafter the Committee sought clarifications from the representatives of the Ministry/Department on the various clauses of the Indian Telegraph (Amendment) Bill, 1993 and the Cable Television Networks (Regulation) Bill, 1993.

The Committee then adjourned to meet again on 23rd August, 1993 at 0900 hrs.

MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE ON COMMUNICATIONS (1993-94)

The Committee met on Monday, the 23rd August, 1993 from 0900 hrs. to 1055 hrs. in Room No. 115-A, Parliament House Annexe, New Delhi.

PRESENT

Kumari Vimla Verma — *Chairperson*

MEMBERS

Lok Sabha

2. Shri Shravan Kumar Patel
3. Shri Laeta Umbrey
4. Shri Anna Joshi

Rajya Sabha

5. Shrimati Kailashpati
6. Shrimati Sushma Swaraj

SECRETARIAT

Shri K.M. Mittal — *Deputy Secretary*

The Committee took up for consideration "The Indian Telegraph (Amendment) Bill, 1993" and "The Cable Television Networks (Regulation) Bill, 1993". During deliberations the Committee considered both the Bills clause-by-clause. The hon'ble members suggested some amendments in the Bills. The Chairperson directed the Secretariat to draft the Reports on both the Bills in the light of discussions held and circulate the same to the Members. The Committee decided to have their next sitting on 25th August, 1993 at 1500 hrs. to consider and adopt the two draft reports.

The Committee then adjourned.

MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE ON COMMUNICATIONS (1993-94)

The Committee met on Wednesday, the 25th August, 1993 from 1500 hrs. to 18.05 hrs. in Committee Room No. 62, Parliament House, New Delhi.

PRESENT

Kumari Vimla Verma — *Chairperson*

MEMBERS

Lok Sabha

2. Shri R. Jeevarathinam
3. Shri Shravan Kumar Patel
4. Shri Pawan Kumar Bansal
5. Shri B. Devarajan
6. Shri Mohan Lal Jhikram
7. Shri Mahesh Kumar Kanodia
8. Shri Anna Joshi
9. Shri Ram Pujan Patel
10. Shri Rupchand Pal
11. Shri Satyagopal Misra
12. Shri Sanat Kumar Mandal

Rajya Sabha

13. Shri Prakash Yashwant Ambedkar
14. Shri M.A. Baby
15. Shrimati Kailashpati
16. Shri Virendra Kataria
17. Shrimati Sushma Swaraj
18. Shri Vizol

SECRETARIAT

Shri K.M. Mittal — *Deputy Secretary*

The Committee first considered the draft report on "The Indian Telegraph (Amendment) Bill, 1993" and adopted the same after carrying out some minor amendments therein.

* * * * * *

The Committee then adjourned.